

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH STEVENS & COMPANY, INC.,	:	
	:	
Petitioner,	:	
	:	
-against-	:	07 Civ. 3385 (BSJ)
	:	
DAVID CIKANEK,	:	
	:	
Respondent.	:	
	:	
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**SUPPLEMENTAL DECLARATION  
OF ALISON B. COHEN  
IN SUPPORT OF APPLICATION TO VACATE**

ALISON B. COHEN, under penalties of perjury, declares the following to be true:

1. I am an attorney admitted to practice in the State of New York and before the United States District Court for the Southern District of New York. I am associated with Nixon Peabody LLP, attorneys for Petitioner Joseph Stevens & Company, Inc. ("Joseph Stevens").

2. I submit this Declaration in further support of Petitioner's Application to Vacate the NASD Arbitration Award issued in the Matter of David Cikanek v. Joseph Stevens & Co., Inc., Kevin Brody, Leonard Inserra and Ross Inserra, NASD Case No. 06-01868.

3. Respondent argues that Petitioner is obligated to produce the complete record of the arbitration hearing to the Court. Petitioner has demonstrated that no such requirement exists. See Petitioner's Memorandum of Law in Further Support of the Motion to Vacate the Arbitration Award and Sur-Reply to David Cikanek's Reply Memorandum in Support of his Motion to Dismiss for Lack of Personal Jurisdiction. In all events, should the Court decide that it wishes to review the record of the arbitration hearing, we file it herewith.

4. Petitioner encloses a box containing the following voluminous documents and cassette tapes, which comprise the complete record of the arbitration hearing:

- a. A true copy of the documents referred to by David Cikanek during the March 19, 2007 – March 23, 2007 NASD arbitration hearing, collectively marked as Exhibit O.
- b. A true copy of the documents referred to by Petitioner during the March 19, 2007 – March 23, 2007 NASD arbitration hearing, collectively marked as Exhibit P.
- c. A true copy of the transcripts of the NASD arbitration hearing prepared by an official court reporter of the March 19, 2007 – March 21, 2007 hearings, collectively marked as Exhibit Q. The March 22, 2007 and March 23, 2007 hearings were not transcribed by an official court reporter.
- d. A true copy of the official NASD arbitration hearing cassette tapes of the March 19, 2007 – March 23, 2007 arbitration hearing, collectively marked as Exhibit R. Again, we do not have official transcripts of the March 22, 2007 and March 23, 2007 hearings.

5. Pursuant to Appendix M(5) of the Local Rules of the Federal Rules of Civil Procedure, permission to file paper copies and the hearing cassette tapes is respectfully requested.

6. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury the forgoing is true and correct.

Executed on this 6<sup>th</sup> Day of August, 2007



ALISON B. COHEN